

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

In the Matter of:

Emergency Shelters in  
Commercial-Light  
Manufacturing

Case No. 05-  
05

Thursday,  
October 26, 2006  
Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No.  
05-05 by the District of Columbia Zoning  
Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4<sup>th</sup>  
Street, N.W., Washington, D.C., 20001,  
Anthony Hood, Vice Chairperson, presiding.

## ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

## OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Acting Secretary
DONNA HANOUSEK	Zoning Specialist

## OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on October 26, 2005.

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Mr. Peter May	

1 6:38 p.m.

2 VICE CHAIRPERSON HOOD: Good evening,  
3 ladies and gentlemen. This is a Public Hearing  
4 of the Zoning Commission of the District of  
5 Columbia for Thursday, October 26th, 2006.

6 My name is Anthony J. Hood. Joining  
7 this evening are Commissioners, Jeffries, Parsons  
8 and Turnbull.

9 The subject of this evening's hearing  
10 in Zoning Commission Case No. 05-05. This is a  
11 request by the Office of Planning for text  
12 amendments to Title XI of the District of  
13 Columbia Municipal Regulations of Zoning to  
14 expand the zoning districts within which  
15 emergency shelters are permitted.

16 The notice of today's hearing was  
17 published in the D.C. Register on July the 7th,  
18 2006. Copies of today's hearing announcement are  
19 available to you and are located on my left on  
20 the table near the door. You know, it's hard  
21 talking to empty -- but anyway.

22 The hearing will be conducted in

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1 accordance with the provisions of 11 DCMR 3021.

2 The order of procedures will be as follows:

3 Preliminary matters, presentations by  
4 the Office of Planning, reports of other  
5 Government agencies, report of the ANC,  
6 organizations and persons in support,  
7 organizations and persons in opposition.

8 The following time constraints will  
9 be maintained in this hearing. Organizations  
10 five minutes, individuals three minutes.

11 The Commission intends to maintain  
12 these time limits as strictly as possible in  
13 order to hear the case in a reasonable period of  
14 time. The Commission reserves the right to  
15 change the time limits for presentations, if  
16 necessary. Notice that no time shall be seeded.

17 All persons appearing before the  
18 Commission are to fill out two witness cards.  
19 These cards are located to my left and near the  
20 door. Upon coming forward to speak to the  
21 Commission please give both cards to the reporter  
22 sitting to my right before taking a seat at the

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1 table.

2 Please be advised that these  
3 proceedings are being recorded by a Court  
4 Reporter and is also Webcast live. Accordingly,  
5 we must ask you to refrain from any disruptive  
6 noises or actions in the hearing room. When  
7 presenting information to the Commission, please  
8 turn on and speak into the microphone, first  
9 stating your name and home address. When you are  
10 finished speaking, please turn your microphone  
11 off so that your microphone is no longer picking  
12 up sound or background noise.

13 The decision of the Commission in  
14 this case must be based on the public record. To  
15 avoid any appearance to the contrary, the  
16 Commission requests that the persons present not  
17 engage the members of the Commission in  
18 conversation during a recess or at any other  
19 time.

20 The staff will be available  
21 throughout the hearing to discuss procedural  
22 questions. Please turn off all beepers and cell

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1 phones at this time so not to disrupt these  
2 proceedings.

3 At this time, the Commission will  
4 consider any preliminary matters.

5 Does the staff have any preliminary  
6 matters?

7 MS. HANOUSEK: No, sir.

8 VICE CHAIRPERSON HOOD: Okay. We'll  
9 go straight to the Office of Planning, Ms. Brown-  
10 Roberts.

11 MS. BROWN-ROBERTS: Good evening, Mr.  
12 Chairman and Members of the Commission. I'm  
13 Maxine Brown-Roberts from the Office of Planning.

14 I think what I will do is just sort  
15 of highlight some of the concerns that were  
16 expressed by the Commission the last time when we  
17 had the set-down hearing and just address some of  
18 those issues.

19 I think the first one is concerning  
20 the placement of emergency shelters. There was  
21 some concern that having them in the CM-1, the  
22 Industrial District, that they would be placed in

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1 close proximity to some of, what we call, noxious  
2 facilities.

3 One of the things that we have done  
4 is to place -- that facilities cannot be within  
5 1,000 feet of a square and also that we don't  
6 have more than one emergency shelter within a  
7 square.

8 Also, we have used the special  
9 exception process so that all the facilities that  
10 come in within the industrial zones will be  
11 reviewed. So, there will be some review as  
12 against if they were as a matter of right.

13 I think this will help to make sure  
14 that these facilities, as part of the review,  
15 that they will be assessed for compatibility with  
16 the neighboring community and other uses that are  
17 within that area.

18 There was also concern about the  
19 number of persons and we had proposed that they  
20 be limited from a lower 5 up to 150 persons. The  
21 Commission did express some concerns that these  
22 were large facilities. I think we stuck with the

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1 maximum of 150 persons. We consulted with the  
2 Office of the Deputy Mayor for Children, New  
3 Families and Elders. And they informed us that  
4 this was a sizeable facility that was manageable  
5 and this was not uncommon. And they were able to  
6 accommodate economies of scale in serving these  
7 people.

8 Again, through the special exception  
9 review, I think when these facilities come in for  
10 review that the number of persons in the facility  
11 will be something that will be assessed as part  
12 of that review.

13 The unequal distribution of emergency  
14 shelters and usually for just about all community  
15 based residential facilities has been something  
16 that has been a concern for all of us. And  
17 regarding the emergency shelters, I think that  
18 that is a goal that we will keep in mind, I  
19 think, during the review of these facilities.

20 Also, we are also mindful that the  
21 facilities, we want them to be located in areas  
22 where they will be integrated seamlessly into the

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1 neighborhoods and we believe that some of these  
2 sites can be found in the CM-1 and CM-2  
3 Districts.

4 Accessibility is also something that  
5 will control the location of some of these  
6 facilities, because one of the things that  
7 providers look for is their accessibility to both  
8 the Metrorail and Metro buses, because a lot of  
9 these people, a lot of people who are in these  
10 facilities are either working or they have to go  
11 to work. And so in the majority of cases, they  
12 do not have vehicles. So, one of the things that  
13 will also help to limit their location is  
14 accessibility to public transportation.

15 The Industrial Land-Use Study is also  
16 something that is currently ongoing. And the  
17 draft that the Office of Planning has is very  
18 cautious about the location of emergency  
19 shelters. However, the study also specifies that  
20 areas be retained for municipal uses and we will  
21 consider that the emergency shelters fall within  
22 that category. And, therefore, we do not see a

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1 conflict with the Industrial Land-Use Study as it  
2 stands at this time.

3 I will open the floor for any  
4 additional questions.

5 Thank you, Mr. Chairman.

6 VICE CHAIRPERSON HOOD: Thank you,  
7 Ms. Brown-Roberts.

8 Any questions?

9 Mr. Turnbull?

10 COMMISSIONER TURNBULL: Thank you,  
11 Mr. Chairman.

12 I had one question. On the public  
13 notice that went out for the hearing. It gives  
14 the text on here. And Section 802.1 has the  
15 underlying piece that says, "Except that  
16 emergency shelters shall not be permitted in a  
17 CM-3 District." Is that correct?

18 MS. BROWN-ROBERTS: That is correct.

19 COMMISSIONER TURNBULL: The only  
20 thing I'm concerned about is in Attachment 1 of  
21 the OP Report, 802.1 says "Except that emergency  
22 shelters shall be permitted in a CM-3 District."

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1 Am I -- is that a typo?

2 MS. BROWN-ROBERTS: I'm sorry.

3 That's a typo.

4 COMMISSIONER TURNBULL: That's a  
5 typo?

6 MS. BROWN-ROBERTS: Yes.

7 COMMISSIONER TURNBULL: Okay. Just  
8 wanted to confirm that.

9 Thank you.

10 VICE CHAIRPERSON HOOD: Mr. Parsons?

11 COMMISSIONER PARSONS: I wanted to  
12 deal with the issue of what the Board is able to  
13 do. And I'm looking at B -- G. Where the Board  
14 may approve of a facility for more than 150  
15 persons. But it doesn't seem to give any limit.

16 Do we have any guidance from those  
17 who you have talked to? I mean, is 500 too big?  
18 Is 600 too big? Is 1,000 too big? I mean,  
19 should be put a limit on what we mean by this?  
20 Are we talking in the margins of maybe 10 more  
21 people or 20 or is there no limit?

22 MS. BROWN-ROBERTS: I didn't --

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1       because -- one of the things that when I spoke to  
2       the person from the Deputy Mayor for Children,  
3       Youth, Families, I think one of the things that  
4       they trying to move away are some of these larger  
5       facilities under the Homeless No More initiative.

6               COMMISSIONER PARSONS:   Right.

7               MS. BROWN-ROBERTS:   And 150 was sort  
8       of the number they gave me.

9               COMMISSIONER PARSONS:   Right.

10              MS. BROWN-ROBERTS:     They really  
11       didn't say that, you know, that was an absolute  
12       number.

13              COMMISSIONER PARSONS:   So, I wonder  
14       if there is some way we could insure that this  
15       wasn't going to go to 300 or 400 or 500? And  
16       give the BZA some guidance that by 10 percent or  
17       I shouldn't offer an opinion, but do you think  
18       that would be wise to put a cap on this?

19              MS. BROWN-ROBERTS:   I'm not sure at  
20       this time, except that for in other uses, I think  
21       some of the other community-based residential  
22       facilities that are allowed on the special

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1       exception rules in the zoning, they also go up to  
2       -- they also give this gap of 150 or -- and gives  
3       the Board the jurisdiction to waive that amount  
4       and not give a maximum amount. So, this would  
5       sort of the anomaly to others.

6                   COMMISSIONER JEFFRIES:       But, Ms.  
7       Brown-Roberts, I'm looking at the first page of  
8       the opening memo and it says here that 150 at  
9       that facility was manageable and not uncommon.  
10      So, are you saying that there a move towards  
11      having smaller ones but is the point --

12                   MS. BROWN-ROBERTS: Yes. But at this  
13      time, because they haven't -- they haven't -- I  
14      mean, that initiative has not been implemented as  
15      yet and that's something that they're looking  
16      forward to doing. But some of the larger  
17      facilities -- what I'm saying is some of the  
18      larger facilities are that size.

19                   COMMISSIONER JEFFRIES: So, then they  
20      really shouldn't -- there shouldn't really be any  
21      argument about putting a cap of 150 if that's  
22      part of their plan to keep these facilities

1 relatively smaller? I mean, they shouldn't have  
2 a concern about that. Right?

3 MS. BROWN-ROBERTS: No, maybe not.  
4 But at the same time I think what I'm also trying  
5 to say is that in the Zoning -- in the Zoning  
6 Regulations, there are other uses, similar  
7 community-based uses, that are also maybe  
8 permitted that give -- that uses this same  
9 language and not have a cap there.

10 COMMISSIONER JEFFRIES: Well, I mean,  
11 obviously, it's going to go through the special  
12 exception and, you know, the community will get a  
13 chance to sort of respond and so forth. But --

14 MS. STEINGASSER: We were trying get  
15 this proposal to reflect some of the existing  
16 text language which, I think, some of the medical  
17 -- adult rehab facilities could go up and it  
18 allows them, the BZA, to have the discretion to  
19 consider larger numbers. We're trying to provide  
20 as much flexibility.

21 I think the Homeless No More study  
22 confirmed that smaller facilities are better

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1 facilities but they're also much more expensive  
2 facilities. And to find two small facilities is,  
3 I think, twice as hard as to find one large. But  
4 just trying to provide as much flexibility as we  
5 could to the providers to be able to locate where  
6 they could.

7 I understand your concern about, you  
8 know, is 1,000 bed homeless shelter excessive.

9 COMMISSIONER JEFFRIES: Well, even  
10 200. I mean, you know. But, again, you're going  
11 through the special exception process. I mean,  
12 the community will be able to weigh in --

13 MS. STEINGASSER: Weigh in. Right.

14 COMMISSIONER JEFFRIES: -- and the  
15 BZA will review it. My only point was that, you  
16 know, if they're trying to move towards a  
17 smaller, I mean, you know, then they should have  
18 problems with that limit. But you speak of  
19 flexibility.

20 COMMISSIONER TURNBULL: What is the  
21 -- is there a bench mark or a standard square  
22 footage that you use for planning a facilities

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1 per bed? I mean, 100 square feet per bed or how  
2 do you --

3 MS. BROWN-ROBERTS: I don't know.

4 COMMISSIONER TURNBULL: I'm just  
5 trying to get a handle on how big a facility  
6 150 --

7 MS. STEINGASSER: I think Central  
8 Union Mission on 14th Street is about 170 right  
9 now.

10 COMMISSIONER TURNBULL: Is it?

11 MS. STEINGASSER: If I remember  
12 correctly.

13 COMMISSIONER TURNBULL: Okay.

14 MS. STEINGASSER: It's evident  
15 there's nothing inside it. But we were unable to  
16 get any kind of hard data like that outside of  
17 the fire code standards would be --

18 COMMISSIONER TURNBULL: Okay.  
19 Thanks.

20 COMMISSIONER JEFFRIES: I really hate  
21 to go here, but I really do. But I'm just trying  
22 to get a sense of, I mean, in terms of the CM

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1 Zones, the majority of those zones are they in  
2 any particular ward or are they pretty evening  
3 distributed throughout the District?

4 MS. STEINGASSER: They're not evenly  
5 distributed. They're not evening distributed.  
6 And it's interesting that you would be wearing  
7 purple as that's the color on the map in the  
8 Industrial Zone.

9 They are predominately in Wards 5  
10 followed by Wards 1, 7 and 8. But they are  
11 scattered throughout. There's also -- they  
12 follow the tracks.

13 COMMISSIONER JEFFRIES: Okay.

14 MS. STEINGASSER: That's the easiest  
15 way to track. They follow the railroad tracks.

16 COMMISSIONER JEFFRIES: Right.  
17 Right. Okay.

18 VICE CHAIRPERSON HOOD: I just have a  
19 question. Everybody knows pretty much about CM-1  
20 Zones where I come from and I'm glad that  
21 Commissioner Jeffries mentioned that about where  
22 they're located. And I'm glad that she started

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1 off with Ward 5.

2 But, anyway, I understand the  
3 initiative and I'm supportive of it. But one of  
4 the issues I want to make sure is that it's  
5 across the board. And that's how I've always  
6 been. I think I have never deviated from my  
7 position on this.

8 Let me pose this question to Office  
9 of Planning.

10 Right now in the CM-1 Zone, what do  
11 we call it, temporary -- I don't want to call it  
12 a case. But temporary prisons.

13 MS. STEINGASSER: Temporary  
14 correctional facilities?

15 VICE CHAIRPERSON HOOD: And you  
16 cannot sleep in a CM-1 Zone overnight. So, am I  
17 correct? You cannot lay? I mean, have bedding  
18 or whatever the term.

19 MS. STEINGASSER: You can't live in a  
20 CM Zone. You can have artist residents,  
21 caretakers, and hotels.

22 VICE CHAIRPERSON HOOD: So, you can't

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1 live in a CM Zone?

2 MS. STEINGASSER: Unless you're an  
3 artist or a caretaker.

4 VICE CHAIRPERSON HOOD: Okay. So,  
5 the reason we're doing this basically is because  
6 of all the opposition that comes when we try to  
7 put them in residential zones? Pretty much?  
8 Basically. This is the easy way out?

9 MS. STEINGASSER: No. There's  
10 nothing easy about it.

11 VICE CHAIRPERSON HOOD: This is  
12 closer to being the easy way out.

13 MS. STEINGASSER: Yes.

14 MS. BROWN-ROBERTS: I think there is  
15 also the economic reasons also. That's also  
16 something that has been expressed to us.

17 VICE CHAIRPERSON HOOD: But in CM  
18 Zones, most of us -- I don't think any of us up  
19 here live in CM-1 Zones. I don't think.

20 MS. STEINGASSER: No. Right.

21 VICE CHAIRPERSON HOOD: Okay. My  
22 problem is and I know people in the city probably

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1 won't agree with me, but I think human beings  
2 should have the same right whether you're  
3 homeless or you got plenty of money. And I know  
4 I'm -- I know Office of Planning and everybody  
5 probably agrees with me. But here we are. We're  
6 setting up a mechanism where we're treating  
7 people like cattle. And we're putting them in a  
8 CM Zone with the kind of uses that are not in our  
9 residential neighborhoods basically.

10 MS. STEINGASSER: That's correct, but  
11 hotels are already allowed in the Industrial  
12 Zones and the interesting thing about Washington  
13 is we're not a heavy industrial city. We don't  
14 have the kind of noxious manufacturing. We don't  
15 have smelting plants. We don't have rendering  
16 plants. We don't have that kind of egregious  
17 industrious relationship. We have, you know,  
18 some -- a few, very few asphalt concrete plants.

19 VICE CHAIRPERSON HOOD: And I know  
20 where those are too.

21 MS. STEINGASSER: Exactly. And we  
22 know where they are and we know where we

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1 encourage them to relocate.

2 But the question is not like we're  
3 going to gather up the homeless and ship them to  
4 the Industrial Zone. They've got no place to go.  
5 These are run by nonprofits and local government  
6 and FAG based groups, these shelters. And they  
7 are having a tremendously difficult time  
8 competing in the real estate market in Washington  
9 to buy commercially zoned land. They're  
10 competing against the JVGs and the Averages and  
11 the, you know, the commercial developers for the  
12 same kind of -- and they just can't compete.

13 And I think it was in today's paper  
14 and then again on Sunday, they were taking about  
15 just the enormous increase in homelessness in the  
16 District both with its single men and with its  
17 families. And, you know, the numbers just  
18 increase and increase and the supply is  
19 decreasing. So, we're just trying to find a way  
20 to create more options that will allow them to  
21 locate and, yes. Minimize the conflicts with the  
22 residential neighborhoods, because residential

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1 neighborhoods are very uncomfortable with  
2 homeless shelter, especially for just adult  
3 homeless coming into their neighborhood. So, we  
4 though this was a kind of a broadening of their  
5 opportunities. We're not -- certainly not  
6 restricting them from being a commercial area and  
7 we encourage them to be in the commercial areas.  
8 C3C allows them right now as a matter of right  
9 with no limitations.

10 VICE CHAIRPERSON HOOD: Let me ask  
11 you. Do you have any necessary areas already in  
12 mind? Is there something already in the  
13 pipeline?

14 MS. STEINGASSER: Not that I'm aware.  
15 No.

16 COMMISSIONER JEFFRIES: Is some -- so  
17 other might eat, are they part of -- are they --

18 MS. STEINGASSER: No.

19 COMMISSIONER JEFFRIES: They're not  
20 part of --

21 MS. BROWN-ROBERTS: No.

22 COMMISSIONER JEFFRIES: They don't?

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1       Okay.

2                       VICE CHAIRPERSON HOOD:    Okay.    All  
3       right.

4                       Any other questions?

5                       COMMISSIONER PARSONS:   Well, let me  
6       say, Mr. Chairman, and ask for a reaction.

7                       I am not persuaded that F and G and  
8       we already talked about G about 150 persons --  
9       beyond 150 persons.   And F which would allow the  
10      BZA to locate more than one in a square or within  
11      1,000 feet are something we should do or support.  
12      And to let you know that I'm interested in  
13      removing both of those from this advertisement.  
14      And wondered what trouble I'm causing.

15                      VICE CHAIRPERSON HOOD:   Well, let me  
16      just say.   I would support that and taking those  
17      two out, F and G, I would be inclined to vote in  
18      favor of this and I would agree with you.   But I  
19      know you want to hear from Office of Planning.

20                      MS.    STEINGASSER:       The    spacing  
21      requirement reflects that that you see in the  
22      residential zones where it comes out of the

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1 health care facilities, the emergency shelters  
2 and the youth care residential shelters. They  
3 currently have a 500 foot buffer.

4 Based on comments we heard during set  
5 down about the Commission's concern, we upped  
6 that to 1,000 because at that time, I think, if  
7 I'm correct, the Commission didn't feel 500 was  
8 sufficient. So, we upped that to 1,000.

9 COMMISSIONER PARSONS: But you also  
10 added that you could put more than one in a  
11 square.

12 MS. STEINGASSER: Yes. And that  
13 again reflects the existing language of 305.

14 COMMISSIONER PARSONS: But those  
15 aren't --

16 MS. STEINGASSER: 305.7 which is --

17 COMMISSIONER PARSONS: Those aren't  
18 for 150 bed facilities, are they?

19 MS. STEINGASSER: It's unlimited. It  
20 says the Board may approve a facility for more  
21 than 15 persons and it puts no cap.

22 COMMISSIONER PARSONS: Oh.

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1 MS. STEINGASSER: So, that's right  
2 now allowed --

3 COMMISSIONER PARSONS: I must have  
4 voted for that. We got to fix --

5 MS. STEINGASSER: So we --

6 COMMISSIONER PARSONS: In my youth.

7 MS. STEINGASSER: -- were trying to  
8 further define it so that the Commission was  
9 comfortable. But it does reflect the  
10 residentiallying, which is currently on the  
11 books.

12 COMMISSIONER TURNBULL: Should we put  
13 -- like Mr. parsons had said earlier. In that  
14 case, if you're going to have more than one in a  
15 square, should you put a cap on that?

16 COMMISSIONER PARSONS: Yes. I  
17 just --

18 COMMISSIONER TURNBULL: Rather than  
19 in a situation like that, not have it unlimited  
20 or up to --

21 MS. STEINGASSER: Well, to date it  
22 hasn't been a problem. We've had no conflicts

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1       since this text has been on the books where  
2       there's been too many facilities of too large a  
3       size in the special exception process.

4                   COMMISSIONER JEFFRIES:    I mean, I'm  
5       just -- I guess from what I hear from the Office  
6       of Planning, I mean, you're trying to capture as  
7       many opportunities to put these shelters in and I  
8       think if we start tinkering with this language,  
9       we're going to, you know, I mean, you know, I'm  
10      comfortable, at least, you know, giving the  
11      Board, you know, a special exception scenario. I  
12      mean, can really look at individual cases and  
13      see. But I just would hate that we would put  
14      more belts and suspenders onto this. Because it  
15      sounds to me that this is just a purely, you need  
16      more supply.

17                   MS. STEINGASSER:       We need more  
18      supplies. We need more beds in the city.

19                   COMMISSIONER JEFFRIES:   Yes.

20                   MS. STEINGASSER:    I think one thing  
21      that speaks to this is the silence of the ANCs.  
22      Unless something came in today though, the Office

1 of Zoning, we've not heard from one ANC in the  
2 city about this text amendment.

3 VICE CHAIRPERSON HOOD: At this  
4 point?

5 COMMISSIONER PARSONS: No, I --

6 MS. STEINGASSER: At this point. But  
7 this is the point at which they should be heard.

8 VICE CHAIRPERSON HOOD: But the city  
9 doesn't operate like that.

10 MS. STEINGASSER: This is a public --

11 COMMISSIONER PARSONS: That's her  
12 experience. The planning level, they don't --  
13 it's when there is two 200-bed facilities in one  
14 square. And that's what we're unleashing  
15 potentially.

16 Well, the Zoning Commission thought  
17 that, you know, we could have two in one square  
18 or maybe even more and up beyond 150. And that's  
19 what's troubling me about this.

20 COMMISSIONER JEFFRIES: But the Board  
21 is the mechanism. I mean, it would difference if  
22 there was no interim step here, you know. I

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1 mean, if there were two 200 square feet  
2 facilities in a square, I mean, you know, that's  
3 something that would get vented, you know,  
4 through the BZA.

5 COMMISSIONER PARSONS: Well, if it  
6 said, you know, you could have two in one square  
7 but no more than a committal of 150 people. I  
8 may be more inclined to deal with that. But this  
9 says, you know, 150 but no limit and more than  
10 one in a square but no limit.

11 VICE CHAIRPERSON HOOD: What it  
12 basically is an out. It's an out for what we  
13 have here on the -- in 802.21 A, B, C, D and E.  
14 And I understand about getting more flexibility.  
15 I just think that and I would agree with Mr.  
16 parsons, F and G need to come out. I think this  
17 is a strict application in what we're trying to  
18 do. I mean, I would be more than happy to  
19 revisit this at a later time. I mean, but right  
20 now I would say, let's take out F and G and let's  
21 move forward and let's pass that.

22 COMMISSIONER JEFFRIES: Okay. Let's

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1 just -- I mean, Office of Planning, we take out F  
2 and G. What are the repercussions of that?

3 COMMISSIONER PARSONS: Well, you  
4 could build 150 -- I shouldn't answer. You  
5 didn't ask me.

6 COMMISSIONER JEFFRIES: Yes. I told  
7 you, you go down there, you can --

8 MS. STEINGASSER: We would end -- you  
9 would end up with one shelter per square of no  
10 more than 150 people. Right? Isn't that --

11 MS. BROWN-ROBERTS: Yes. Right.

12 VICE CHAIRPERSON HOOD: Which is less  
13 impact on a specific area. And I think that's  
14 what we're trying to achieve.

15 COMMISSIONER JEFFRIES: And so we  
16 should keep as many homeless people on the  
17 streets?

18 VICE CHAIRPERSON HOOD: No. I'm not  
19 saying that. I've never said that.

20 COMMISSIONER JEFFRIES: Because  
21 you're reducing --

22 VICE CHAIRPERSON HOOD: I'm --

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1 residential areas, that's what I think.

2 COMMISSIONER JEFFRIES: You  
3 potentially reducing the -- well, come on. I  
4 mean that's not realistic. I mean, I don't want  
5 a homeless shelter in front of my house.

6 VICE CHAIRPERSON HOOD: It's not  
7 realistic. Well, see.

8 COMMISSIONER JEFFRIES: And then I'll  
9 be honest.

10 VICE CHAIRPERSON HOOD: When you say  
11 20 some houses back up?

12 COMMISSIONER JEFFRIES: No. But what  
13 I'm saying --

14 VICE CHAIRPERSON HOOD: That's what  
15 you just said.

16 COMMISSIONER JEFFRIES: No. No.  
17 What I'm saying is that I am very much in favor  
18 of these shelters --

19 VICE CHAIRPERSON HOOD: Well, then  
20 we'll put one of them in front of your house.

21 COMMISSIONER JEFFRIES: Let me  
22 finish.

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1                   What I'm saying is that I am very  
2 much in favor of them being in the CM Zones, but  
3 the problem is, is that if you start to limit how  
4 they can be included in those CM Zones, you're  
5 still not dealing with the problem.

6                   What I'm hearing from the Office of  
7 Planning that is not enough supply. But that's  
8 all I'm saying. It seems like we're watering it  
9 down and you're really not allowing flexibility.  
10 And it seems like we're tinkering and I just  
11 don't think we should, as a Zoning Commission  
12 should be doing that. We should leave it to the  
13 BZA to do that.

14                  VICE CHAIRPERSON HOOD: Mr. Jeffries,  
15 I really think -- and I agree with you about  
16 watering down, but I think what we're watering  
17 down is what we have here in front of us is  
18 watered down. Because we have a strict  
19 application as I said in what is that, 802.21.  
20 And then you water it down in F and G. That's  
21 watering it down.

22                  COMMISSIONER JEFFRIES: And where's

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1 the -- what's the first one?

2 VICE CHAIRPERSON HOOD: You have the  
3 strict application 802.21 which says, for  
4 example, there shall be no other property  
5 containing emergency shelters other --

6 COMMISSIONER JEFFRIES: Right.  
7 Right.

8 VICE CHAIRPERSON HOOD: Yes. So,  
9 you're basically saying, here's your regulations.  
10 But if we're not able to achieve that then let's  
11 open it some more here in F and G. Let's get  
12 some more options.

13 COMMISSIONER JEFFRIES: That's  
14 exactly what I --

15 VICE CHAIRPERSON HOOD: But that's  
16 watering it down.

17 COMMISSIONER JEFFRIES: Oh, I don't  
18 see it as --

19 COMMISSIONER TURNBULL: Let's ask the  
20 Office of Planning if they had an option on how  
21 they would restructure two then. If they weren't  
22 removed could you restructure it in another way

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1 to meet the intent of what we're talking about?

2 MS. STEINGASSER: Well, we could put  
3 a cap as suggested, you know, possibly up to more  
4 than 200 by special exception in one square. You  
5 know, like Mr. Parsons was saying one facility of  
6 150 maximum or, you know, multiple facilities.

7 COMMISSIONER JEFFRIES: There are  
8 200, what's the number, you know?

9 MS. STEINGASSER: I was just picking  
10 a number to try to buy comfort.

11 The other option is that we could  
12 remove F and G to get something passed this  
13 evening. We could give it two seasons and see  
14 what happens. And if we find we're still not  
15 meeting our need, we could come back in two years  
16 and see the impact. And if there still -- maybe  
17 we can get more providers in and get even more  
18 comfort in how they're being placed throughout  
19 the city.

20 COMMISSIONER PARSONS: I like that.

21 VICE CHAIRPERSON HOOD: I would be --

22 COMMISSIONER PARSONS: I guess I've

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1 got to get back to -- many, many years ago we  
2 talked about this issue and the whole idea of  
3 dealing with community-based residential  
4 facilities or this issue is to have small family  
5 level or clusters of people living together  
6 trying to get back into the mainstream of society  
7 and not to institutionalize them in some prison-  
8 like environment. And that's what I'm worried  
9 about is whether it's not working. I'm not sure.  
10 But I think it's more economical to deal with 150  
11 people.

12 COMMISSIONER JEFFRIES: Yes.

13 COMMISSIONER PARSONS: And that's why  
14 we're where we are. It has nothing to do with  
15 these people's future and whether they ought to  
16 be in an environment where they can get a bus and  
17 maybe get a job and so forth. And not to bring  
18 them out into CM zones and create little mini  
19 prisons.

20 I see Mr. Jeffries is not buying --

21 COMMISSIONER JEFFRIES: I am  
22 certainly --

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1                   COMMISSIONER PARSONS:   That's where  
2                   this came from.

3                   COMMISSIONER JEFFRIES:  You know, I'm  
4                   certainly not in the homeless shelter industry.  
5                   But it somehow seems to me that, you know, what  
6                   you're saying is unidealistic, I mean, to me.  I  
7                   mean, it just -- it somehow didn't seem like it  
8                   really reflects what's going on on the ground.  
9                   And, you know, I'm just concerned.  I think  
10                  what's you're proposing is the right thing and I  
11                  think from a theory perspective, I think, you  
12                  know, we should all be aiming for that.  But we  
13                  have very clear lack of resources in the District  
14                  of Columbia.  And we don't have a lot of land.  
15                  We can't go up.  We can't go out.  I mean, we  
16                  have to use what we can.  And I'm just somewhat  
17                  more sympathetic to, you know, what the Office of  
18                  Planning is trying to achieve here.

19                  I mean, I clearly understand that,  
20                  you know, we don't want large scale homeless  
21                  shelters in the CM zones all over the place.  I  
22                  got that.  And we don't want to create that kind

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1 of business. But we certainly need to find a way  
2 to get people off the streets, if that's the  
3 alternative. If we're going to try to create all  
4 these small little clusters which, again, is very  
5 idyllic and we all want it, but short of that,  
6 given all the stress you're going to get from  
7 trying to put these in a residential zone, what's  
8 the next step? And I'm just, you know --

9 COMMISSIONER PARSONS: As long as we  
10 don't go to a square occupied by 500 to 700 to  
11 1,000 people.

12 COMMISSIONER JEFFRIES: Put your  
13 number up.

14 COMMISSIONER PARSONS: I mean, no.  
15 You could. You could say, well, we want unit for  
16 200 and there's one next to it. That we develop  
17 an enclave in the city where the homeless live.  
18 And that's what I'm trying to look at.

19 And not that the BZA is  
20 irresponsible, but a little creep here, a little  
21 creep there and before you know it, the Zoning  
22 Commission didn't know what they were doing.

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1                   Have we debated this long enough, Mr.  
2                   chairman?

3                   VICE CHAIRPERSON HOOD: Yes. We have  
4                   and any other questions of the Office of  
5                   Planning, because we're going to move right  
6                   through this agenda and we can come and see how  
7                   we're going to proceed once we finish the agenda.  
8                   This is getting longer than I thought.

9                   COMMISSIONER PARSONS: We have  
10                  another representative here.

11                  VICE CHAIRPERSON HOOD: Okay. Any  
12                  other questions of the Office of Planning? No  
13                  other questions.

14                  Do we have any other reports of  
15                  other Government agencies? We have in front of  
16                  us a letter from the Office of Property  
17                  Management from the Deputy Director of  
18                  Operations, Peter May.

19                  Would you like to say a word of two  
20                  or do you want your letter to speak for itself?

21                  It's good to see you.

22                  MR. MAY: Hi. My name is Peter May.

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1 I live at 1017 C Street, N.E., Washington, D.C.

2 I had not come here intending to  
3 testify and I had intended for the letter to  
4 speak for itself. But I came down here for  
5 another reason and happened to hear the  
6 conversation and thought maybe there a few things  
7 that I could tell you about the homeless shelter  
8 business since it's one of the things that -- one  
9 of the businesses that I'm now in.

10 I'm not sure exactly how the proposed  
11 regulation is written. But I will say that when  
12 we tried to put a very specific limit on the  
13 number of people that can be at a shelter, you're  
14 not necessarily making -- restricting it and in  
15 the process creating better facilities.

16 Smaller facilities aren't necessarily  
17 always the best. When you have a smaller  
18 facility, essentially the smaller it gets, the  
19 less services you can provide. And the trend, as  
20 I understand it, and I am just a real estate  
21 agent/architect for these sorts of things is you  
22 wind up -- you need to have a certain critical

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1 mass of people in order to provide the kind of  
2 wrap around services. And when you get to  
3 smaller and smaller buildings, essentially what  
4 you're doing is providing beds that they check  
5 into at night and they leave first thing in the  
6 morning. And so we need to have some flexibility  
7 to have some larger facilities.

8 Now, if there is a concern that we  
9 have too many congregated within a single square,  
10 I don't know that we really have too many  
11 circumstances where we're going to run into that.  
12 But I will say that in the CM zones where we now,  
13 you know, where we've been looking for property  
14 for even other reasons, there just isn't that  
15 much out there. And, you know, we may wind up in  
16 a situation where we need to house a certain  
17 number of people and the only way we could do it  
18 is to have two shelters within the same square.  
19 And it really is a matter of what that whole --  
20 how that whole shelter will function or how both  
21 shelters will function. More than the size and  
22 more than strictly the number of beds in terms of

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1       how it will perform.

2                   And that's why to the extent to which  
3       we can make the individual case that a given  
4       shelter is justified in an existing square, I  
5       think that would serve us better in the long run.

6                   I will also say that it is definitely  
7       not our preference to locate shelters in CM  
8       zones. In fact, it's sort of the last refuge in  
9       many ways because we really want to put the  
10      shelter where the people are. They tend not to  
11      want to get on a bus and go to a different  
12      location. If they're downtown all day long, they  
13      want to sleep downtown. And, you know, it's just  
14      a heck of a struggle trying to find beds downtown  
15      and find buildings that we can make into the sort  
16      of shelters with the kinds of services that we  
17      need to be able to treat people right and to help  
18      them get back on their feet. And, you know, this  
19      is really just a measure that provides us some  
20      greater flexibility with the blessing of the BZA  
21      so there's appropriate community input and that  
22      we don't wind up overloading any particular

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1 neighborhood.

2 VICE CHAIRPERSON HOOD: Mr. May, let  
3 me just ask you.

4 Do you know of any particular project  
5 that's in line to go into a CM-1 zone at this  
6 point? Is there something that's triggering  
7 this? I mean, other than we're trying to find  
8 places for them. But is there something already  
9 in the pipeline?

10 MR. MAY: There -- okay. There isn't  
11 anything that specifically triggered this at this  
12 time, except that there are hypothermia shelters  
13 in CM-1 zones that have been previously permitted  
14 by the Zoning Administrator. That's really what  
15 prompted this amendment more than anything else.

16 I will say that there is at least one  
17 property that we are actively looking at right  
18 now for a hypothermia shelter on that same basis.  
19 Not for the sake of putting in a homeless shelter  
20 there permanently, but we need hypothermia beds  
21 and hypothermia seasons starts November 1st and  
22 runs through March 31st. And we need to have

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1 extra beds when that happens because we have a  
2 legal obligation to provide beds for all of those  
3 people.

4 VICE CHAIRPERSON HOOD: Can you tell  
5 me which ward this is in?

6 MR. MAY: It's in Ward 5, I believe.

7 VICE CHAIRPERSON HOOD: Okay. All  
8 right.

9 Commissioner Jeffries.

10 COMMISSIONER JEFFRIES: So, wait.  
11 Emergency shelters, I've been saying homeless  
12 shelters. I mean, what's the -- is it one in the  
13 same? I mean --

14 MS. STEINGASSER: We're using --  
15 we're using the terms interchangeably. But they  
16 would be considered emergency shelters.

17 COMMISSIONER JEFFRIES: Okay.

18 VICE CHAIRPERSON HOOD: Any other  
19 questions?

20 Well, thank you, Mr. May.

21 Oh, we have a question.

22 COMMISSIONER TURNBULL: I'd just ask

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1 Mr. May.

2 What optimum size? I mean, 150, is  
3 that, I mean, will they go bigger?

4 MR. MAY: Well, there are certainly  
5 some shelters that are significantly larger than  
6 that. But that's not the ideal. I think the  
7 ideal is more than 100. I can't tell you an  
8 exact number. I think that the model facilities  
9 that we have that have been built in the city in  
10 the last few years, if you can really call them  
11 model facilities, but the ones that we're trying  
12 to do more of or trying to better of, tend to be  
13 -- I think they're over 200.

14 MR. MAY: Really, yes.

15 COMMISSIONER TURNBULL: But I don't  
16 know that for an absolute fact.

17 MR. MAY: Do you happen to know what  
18 the new York Avenue facility is?

19 MS. STEINGASSER: I do not.

20 COMMISSIONER TURNBULL: No. But I do  
21 think that one's over 200. I don't know the  
22 exact size.

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1                   VICE CHAIRPERSON HOOD: The facility  
2                   -- the New York Avenue facility is up and running  
3                   now?

4                   MR. MAY: Yes.

5                   VICE CHAIRPERSON HOOD: And which  
6                   ward is that in?

7                   MR. MAY: That's in Ward 5.

8                   VICE CHAIRPERSON HOOD: Two for two.  
9                   Maybe if I ask another questions, we can get  
10                  three.

11                  COMMISSIONER PARSONS: How about the  
12                  one right over here?

13                  MR. MAY: Would you like to know how  
14                  many homeless shelters are in Ward 6?

15                  VICE CHAIRPERSON HOOD: Not tonight.  
16                  No.

17                  COMMISSIONER JEFFRIES: And I think  
18                  that Ward 1 was in second place.

19                  COMMISSIONER PARSONS: Isn't the  
20                  facility over here behind us the Mitch Snyder  
21                  Center, isn't that fairly substantial as well?

22                  MR. MAY: Yes. Yes. Several many --

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1                   VICE CHAIRPERSON HOOD: That's one of  
2 your larger ones there.

3                   MR. MAY: -- many beds. That's  
4 the --

5                   COMMISSIONER PARSONS: Five hundred  
6 or --

7                   MR. MAY: Oh, over that. It may be  
8 1,000 people. It's --

9                   COMMISSIONER PARSONS: It's the  
10 biggest one in the city.

11                  COMMISSIONER PARSONS: What ward is  
12 that in? I'm kidding. Sounds like two to me.

13                  COMMISSIONER JEFFRIES: Where is  
14 that?

15                  MR. MAY: That's Ward 6.

16                  COMMISSIONER JEFFRIES: Where is it  
17 located?

18                  MR. MAY: It's at Second and D  
19 Street, between D and E. It's essentially --

20                  VICE CHAIRPERSON HOOD: One block  
21 over.

22                  MR. MAY: One block over on the other

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1 side of the freeway from here.

2 VICE CHAIRPERSON HOOD: You bring up  
3 a good point, Mr. May, is hypothermia season.  
4 You bring up a very good point.

5 Any other questions of Mr. May?

6 Mr. May, thank you for coming down  
7 and testifying and it's always good to see you.

8 MR. MAY: Thank you very much. I  
9 look forward to seeing you next week too.

10 VICE CHAIRPERSON HOOD: Oh, two times  
11 in a few -- okay.

12 MR. MAY: I'll be a private citizen  
13 then but --

14 VICE CHAIRPERSON HOOD: Oh, okay.  
15 We'll be looking forward to that.

16 Okay. Do we have anyone in the  
17 audience from any ANC? Anyone? Any ANC?

18 So noted. I don't see anyone.

19 Any organizations or persons in  
20 support?

21 So noted. Not seeing anyone.

22 Organizations or persons in

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1 opposition?

2 So noted. Not seeing anyone.

3 Okay. Colleagues, would you all like  
4 to deliberate right quick on this and move  
5 forward or are we going to deal with this at a --  
6 we can deal with it at our next public meeting.  
7 Or would you like to do some type of proposed  
8 action tonight?

9 COMMISSIONER JEFFRIES: It's not an  
10 emergency here, is it?

11 VICE CHAIRPERSON HOOD: No.

12 COMMISSIONER JEFFRIES: So, can we  
13 wait?

14 VICE CHAIRPERSON HOOD: Is that what  
15 everybody --

16 COMMISSIONER TURNBULL: Well, where  
17 did we end up on F and G?

18 VICE CHAIRPERSON HOOD: i really  
19 think that I'm going to advocate for at least  
20 starting this. And I don't mind revisiting  
21 anything even if it takes a week or so. But I'm  
22 advocating for -- I like what Ms. Steingasser

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1       said about if we were to take proposed action  
2       tonight, doing away with F and G and let them go  
3       to some source -- some way you were going and see  
4       what impact. And then if we had to revisit it,  
5       we would. That's my --

6               COMMISSIONER PARSONS: Two years.

7               VICE CHAIRPERSON HOOD: Is it two  
8       years?

9               COMMISSIONER PARSONS: As I grasp it.

10              VICE CHAIRPERSON HOOD: Okay.

11              COMMISSIONER JEFFRIES: And so you're  
12       fine with that?

13              MS. STEINGASSER: Just trying to find  
14       a solution that would get all of us across the  
15       line. Yes.

16              COMMISSIONER JEFFRIES: Is there any  
17       way that we could --

18              VICE CHAIRPERSON HOOD: Go ahead. Go  
19       ahead.

20              COMMISSIONER JEFFRIES: I'm sorry,  
21       Vice Chair.

22              I mean, you know, based on our

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1       commentary today, is there anything else that you  
2       might need to think about that you could put  
3       before us? It's not an emergency.

4               COMMISSIONER TURNBULL: I guess I'm  
5       just thinking about Mr. May's comment that if 200  
6       is the optimum, I mean, I'm not saying that  
7       bigger is better. But, I mean, if he's saying  
8       that -- I mean, I'm wondering where we or are we  
9       limiting at some point?

10              MS. STEINGASSER: I would request  
11       that we be given time. If we're going to put an  
12       absolute cap that we be given a week or two to  
13       contact some of the -- at least the public --

14              COMMISSIONER PARSONS: Right.

15              MS. STEINGASSER: -- and FAG based  
16       providers and see what that cap is a realistic  
17       cap.

18              COMMISSIONER JEFFRIES: Talk to the  
19       expects.

20              COMMISSIONER PARSONS: I'm willing to  
21       compromise as long as it's 200 or something. And  
22       then in F, you would not have more than -- more

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1       than 200 or whatever that number is in the  
2       multiple shelters that are located -- in other  
3       words, it would be 200 per square and 200 per  
4       facility.

5               MS. STEINGASSER: So, it would be a  
6       bed count as opposed to a shelter count.

7               COMMISSIONER PARSONS: That kind of  
8       thing. Yes.

9               MS. STEINGASSER: Okay.

10              COMMISSIONER PARSONS: So, F and G  
11       would be modified to give a cap on both.

12              COMMISSIONER JEFFRIES: Okay. So, F  
13       would say the Board may approve more than one  
14       200 --

15              COMMISSIONER PARSONS: No. One  
16       emergency -- more than one as long as the total  
17       amount did not exceed 200.

18              COMMISSIONER JEFFRIES: Okay.

19              COMMISSIONER PARSONS: A 50 bed and a  
20       150 bed in other words is what I mean.

21              COMMISSIONER JEFFRIES: Well, doesn't  
22       G sort of -- okay.

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1                   COMMISSIONER PARSONS:     No.     This  
2     is --

3                   VICE CHAIRPERSON HOOD:   We probably  
4     can make that one though.   From what you're  
5     proposing, I probably could go with that.   We  
6     probably could that make that one.   We can cut  
7     out one of these alphabets then, because you've  
8     getting the same thing.   I don't now.   I don't  
9     want to start crafting language.

10                  COMMISSIONER PARSONS:   No.   But the  
11     idea is not to have more than 200 people in a  
12     square.

13                  VICE CHAIRPERSON HOOD:   In a square.

14                  COMMISSIONER PARSONS:   And not more  
15     than 200 people in a facility.   So, F deals with  
16     more than one facility.

17                  COMMISSIONER JEFFRIES:   I got you.  
18     You're 200 in both F and G, but do we still want  
19     to wait for --

20                  COMMISSIONER PARSONS:   Until they  
21     come up with a number.

22                  COMMISSIONER JEFFRIES:   Yes.   Until

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1       they come up with a number because I'd rather  
2       that be researched.

3                   VICE CHAIRPERSON HOOD:   So, here are  
4       our options.

5                   What Mr. Parsons just proposed and  
6       also deleting F and G. Okay? That's one options  
7       and then what you proposed?

8                   COMMISSIONER PARSONS:    Yes.    The  
9       compromise.

10                  Any other options?

11                  COMMISSIONER JEFFRIES:   Well, those  
12       are --

13                  COMMISSIONER PARSONS:    He wants to  
14       eliminate F and G.

15                  COMMISSIONER JEFFRIES:    I got it.  
16       But I'm saying that, you know, Commissioner  
17       Parsons recommended both of those.

18                  VICE CHAIRPERSON HOOD:   Right.

19                  COMMISSIONER JEFFRIES:   Right. Okay.

20                  VICE CHAIRPERSON HOOD:   Right. So,  
21       we have one to delete F and G and then one to  
22       come back and revise them?

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1 COMMISSIONER JEFFRIES: So, duly let  
2 yourself off then?

3 VICE CHAIRPERSON HOOD: Okay. All  
4 right. Well, it's lasted a little longer.

5 Do we need to close the record or  
6 what do we need to do?

7 COMMISSIONER PARSONS: Yes. We do.

8 VICE CHAIRPERSON HOOD: We need to  
9 close the record, but we need to leave it open  
10 for the Office of Planning. Okay.

11 We don't need a date or anything, do  
12 we?

13 All right. Well, I thank everybody  
14 for their participation tonight and this hearing  
15 is adjourned.

16 MS. BROWN-ROBERTS: And I'm sorry,  
17 what time? I mean, what's the time frame for us  
18 to submit something?

19 ACTING SECRETARY SCHELLIN: Ten days  
20 before the meeting.

21 MS. BROWN-ROBERTS: Okay.

22 ACTING SECRETARY SCHELLIN: If you

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1 can. So, if you don't make it 10 days before the  
2 November 13th meeting, then it will go on for  
3 December.

4 MS. BROWN-ROBERTS: Okay.

5 VICE CHAIRPERSON HOOD: Adjourned.

6 (Whereupon, the above matter was  
7 concluded at 7:22 p.m.)  
8  
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